

REMARKS

Claims 1-15 are all of the pending claims, with claim 1 being the sole independent claim. Claims 1-15 are amended.

Claim Objections

Claims 1, 2, 3, and 11 are objected to because of informalities. The Applicants submit the objections to claims 1, 2, 3, and 11 are moot in light of the amendments to these claims. Accordingly, the Applicants respectfully request the objections to these claims be withdrawn.

Claim Rejections – 35 U.S.C. § 112

Claims 11 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Applicants respectfully traverse.

With regard to claim 11, the Applicants submit claim 11, as amended, is no longer indefinite as one skilled in the art of concrete design is familiar with stress resistance standards used on concrete wall design, therefore, this term is not indefinite.

The Examiner has rejected claim 14 because of the limitation stating “by means of fastening device as hooks or fasteners...” Accordingly, claim 14 is amended to recite “by hooks or fasteners...”. The Applicants submit that the one skilled in the art of concrete design would not find the term “hooks” or “fasteners” indefinite when read in light of the specification (see at least paragraph [0041] for support). For at least this reason, the Applicants respectfully request the rejection of claim 14 under 35 U.S.C. § 112 as being indefinite be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 4, 5 and 8-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,323,578 (Chagnon) in view of US 5,140,794 (Miller). The Applicants respectfully traverse.

The Applicants submit the combination of Chagnon and Miller does not render claim 1 obvious because neither reference, individually, or in combination, teach the “vertical stiffeners,” recited in claim 1.

Chagnon discloses a configuration of a formwork including an outer metallic facing 67, an exterior sheathing 51, an interior sheathing 55, an interior facing 72, and connecting elements 69 (see at least column 8, lines 28 – 62). The Examiner alleges that element 66 is a vertical stiffener. However, Chagnon's specification teaches that element 66 is a multi-purpose filler strip which serves as a bearing block for the connecting elements 69 and also serves as means to receive screws for mounting the outer metallic facing 67 (see at least column 8, lines 54-57). Chagnon does not teach that this member is a stiffener and the Applicants submit that one skilled in the art would not interpret element 66 as a stiffener. The Applicants submit that a stiffener, as understood by one skilled in the art, is a secondary structural member used to reinforce or increase the stiffness of a primary structural member. In this case, element 66 does not "stiffen" or "reinforce" the primary member 67, rather, element 66 merely connects the outer metallic facing 67 to the formwork.

Miller, like Chagnon, fails to disclose a formwork with stiffeners. Therefore, even if combined, the combination of Miller and Chagnon does not teach the "vertical stiffeners," as recited in claim 1.

Even if element 66 could be considered a stiffener (which the Applicants do not admit), the combination of Chagnon and Miller does not render claim 1 obvious because neither reference, individually, or in combination, teaches or suggests "a first rectilinear horizontal metallic bar... passing through holes in the stiffeners," as recited in claim 1. As admitted by the Examiner, Chagnon does not disclose the above limitation, and therefore relies on Miller for teaching the above limitation.

Miller discloses a rectilinear bar 26 parallel to the first formwork wall, however, Miller's horizontal bar 26 does not pass "through holes in the stiffeners," as recited in claim 1. Rather, Miller's horizontal bar is secured to the formwork wall via cross rods 24 and retaining rods 32. Furthermore, there is no teaching or suggestion in Miller to secure the horizontal bar 26 to the formwork wall via a stiffener. Accordingly, Miller cannot be relied on for disclosing "a first rectilinear horizontal metallic bar... passing through holes in the stiffeners," as recited in claim 1. Therefore, even if combined, the combination of Miller and Chagnon cannot render the above feature of claim 1 obvious.

In addition, the Applicants submit the alleged vertical stiffener 66 disclosed in FIG. 3 of Chagnon cannot be configured with a hole to accommodate a horizontal bar. FIG. 3 is a vertical cross section of Chagnon's formwork, so accordingly if Chagnon's

formwork were to include a “rectilinear horizontal metallic bar parallel to the first formwork wall,” as recited in claim 1, the horizontal bar would be perpendicular to the paper. A hole, therefore, cannot be formed in the alleged stiffener 66 as it is shown in FIG. 3. The Applicants further submit, that this problem cannot be cured by merely rotating the alleged “vertical stiffener” 66, because rotating the alleged “vertical stiffener” 66 ninety (90) degrees (for example) to accommodate a hole for the horizontal bar would realign the “vertical stiffener” 66 horizontally (which is not what claim 1 recites).

Even if one skilled in the art could reconfigure the alleged stiffener 66 with a hole to accommodate the first rectilinear horizontal metallic bar (which is not admitted), the Applicants submit that the combination of Chagnon and Miller does not render claim 1 obvious because neither Chagnon, nor Miller, disclose “said connection bars being articulated around said horizontal bars,” as recited in claim 1. As admitted by the Examiner, Chagnon does not disclose the above connection bars, and therefore, Chagnon cannot be relied upon to render the above feature obvious.

Miller’s connection bar 22 has a loop segment 30 which passes through a hole in the walls P1 and P2. Once through the walls, the connection bars are locked in place by the retaining rods 32 and outer rods 26. As shown in FIG. 3 of Miller, Miller’s connecting rods 22 do not articulate “around said horizontal bars,” as recited in claim 1, rather, these bars are locked into place creating a rigid framework with the walls P1 and P2.

Furthermore, claim 1 is amended to recite, *inter alia*, “formwork walls made of metallic latticed panels.” In a preferred embodiment of Chagnon, the sheathing panels are made of polystyrene (EPS) and the connecting elements are flexible and made from multi strand metal cable or other type of flexible materials such as plastic. Therefore, Chagnon does not disclose the above feature. Likewise, Miller’s panels are made of polystyrene, therefore, Miller cannot be relied on for teaching the above feature. Because neither Miller nor Chagnon disclose “formwork walls made of metallic latticed panels,” as recited in claim 1, the combination of Miller and Chagnon cannot render the above feature obvious.

For at least the reasons given above, the Applicants respectfully request the rejection of claim 1, and all claims which depend thereon, under 35 U.S.C. § 103 as being obvious over Changnon in view of Miller be withdrawn.

Claims 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,323,578 (Chagnon) in view of US 5,140,794 (Miller) in further view of US 6,231,498 (Trovato). Applicants respectfully traverse these rejections.

As argued above, the Applicants submit claim 1 is patentable over the combination of Chagnon and Miller because neither reference discloses, at least, "vertical stiffeners." Trovato fails to cure this deficiency. Accordingly, the Applicants submit claims 12-14 are patentable by virtue of their dependency of claim 1. For at least this reason, the Applicants respectfully request the rejection of claims 12-14 under 35 U.S.C. § 103(a) as being obvious over Chagnon in view of Miller in further view of Trovato be withdrawn.

Allowable Subject Matter

The Applicants thank the Examiner for indicating that claims 3, 6, 7, and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, in light of the above arguments and amendments, the Applicants believe amending as such is unnecessary. Accordingly, the Applicants believe claims 3, 6, 7, and 15 are at least allowable by virtue of their dependency on claim 1.

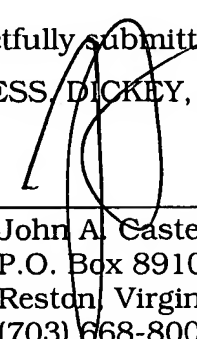
CONCLUSION

In view of the above, Applicant earnestly solicits reconsideration and allowance of all of the pending claims.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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